

## REMARKS

In the Office Action of November 16, 2005, Examiner rejected claims 1-35. Applicant hereby responds to the Office Action based on the following remarks.

## INTERVIEW

Applicant thanks Examiner for an interview conducted on January 30, 2006, during which the current claim amendments were discussed.

## DRAWING OBJECTIONS

Examiner objected to drawings under 37 C.F.R. 1.83(a) stating that drawings must show every feature of the invention specified in the claims. Applicant respectfully traverses all of the Examiner's objections based on the following remarks.

First, Examiner asserted that "second axis region" in Claim 24 was not shown in the drawings. Applicant respectfully disagrees. Figure 5 shows a plurality of axis regions 508-522 that include a first region, a second region and six additional regions, description of which can be found for example on page 14, lines 7-18 of the Applicant's specification.

Second, Examiner asserted that "traded quantity" in Claim 23 was not shown in the drawings. While Figure 5 depicts an embodiment of the interface that charts price data series, the specification states that the invention can be applied to any data series, such as market data series. (See, e.g., Applicant's specification, page 12, lines 5-11). The market data including traded quantity was defined, for example, in the Applicant's specification on page 9, lines 10-13. Thus, "traded quantity" is simply another variable that could be charted via an interface shown in Figure 5. Also, Applicant notes that, according to M.P.E.P. §608.02(d), the claimed features to be shown in drawings are often structural features, and "traded quantity" is simply one of many variables that could be charted via the claimed interfaces.

Third, Examiner asserted that "traded volume" in Claim 23 was not shown in the drawings. Applicant respectfully repeats the arguments presented in relation to the "traded quantity" objections. Also, Applicant notes that Applicant's specification

describes “traded volume” as an example variable that could be charted in relation to the interface of Figure 5. (See, e.g., Applicant’s specification, page 13, lines 1-2).

Fourth, Examiner asserted that “an opening value and a closing value” in Claim 13 were not shown in the drawings. Once again, Applicant respectfully notes that “an opening value and a closing value” are simply additional variables that could be displayed based on the user’s preferences. Applicant’s specification describes these features, for example, on page 12, lines 17-18.

Then, Examiner objected to Figures 1 and 2 as missing a legend “Prior Art.” Along with this response, Applicant submits replacement drawings for Figures 1 and 2 with such a legend.

Also, Examiner asserted that the drawings did not include a number of reference signs. More specifically, they were missing reference signs “509,” “511,” “513,” “515,” “517,” “519,” “521,” “701,” “703,” “705,” “707,” “709,” “711,” “713,” “715,” and “717.” Applicant respectfully submits that no such reference numbers were used in the specification in the sections cited by the Examiner. Applicant only used even reference numbers to refer to different portions of the drawings, as shown in the sections listed by the Examiner, as well as in Figures 5 and 7.

For the reasons provided above, Applicant respectfully requests removal of the objections.

### **SPECIFICATION OBJECTIONS**

Examiner objected to various parts of the specification. Applicant traverses all of the Examiner’s remarks with respect to the specification objections based on the following.

Applicant notes that, according to M.P.E.P. § 608.01, the specification must include a written description that is required to be in such full, clear, and concise, and exact terms as to enable any person skilled in the art to which the invention appertains, to make and use the same. An applicant is given some leeway as to the manner in which the invention is described to fulfill this requirement. Additionally, it is an established rule that an applicant can be his own lexicographer.

Examiner objected to the Applicant's disclosure as missing a summary section. Applicant notes that, while M.P.E.P. provides an example set of sections that could be used in a written specification, M.P.E.P. does not mandate an applicant to use a summary section. Applicant agrees with Examiner that if one elect to include a summary section, that applicant should use the guidelines provided in M.P.E.P. 608.01(d), and cited by the Examiner, as to the content of the summary section. Applicant also notes that it is a common practice of many practitioners not to include a summary section.

Examiner also objected to the first paragraph that was used in Applicant's "Detailed Description" section, stating that it copied one of the claims. Applicant notes that while the first paragraph, as well as many other sections of Applicant's "Detailed Description" section, use the claim language, the first paragraph is not the exact copy of any of the claims. Additionally, Applicant is not aware of any rule that would prevent any applicant from directly copying a claim in the specification section of the application.

Examiner also objected to the use of the language "client terminal generally indicated as 302," and "the actions taken, generally shown at 310." Applicant respectfully notes that Examiner did not cite any rule that would warrant the objection. Thus, Applicant elects to leave the cited language unmodified.

Next, Examiner objected to the use of "client device" in relation to the description of Figure 4. Applicant notes that, according to the online Merriam-Webster dictionary at "<http://www.m-w.com>," the term "terminal" can be defined as a "device" as well. One of ordinary skill in the art would recognize that the terms are interchangeable. Thus, Applicant elects to leave the specification unmodified.

With respect to page 21, line 2, Examiner objected to the use of "axes" as not shown in the drawings. Applicant respectfully directs Examiner to Figure 7 that illustrates a plurality of separate axes 702-708 that were used to explain generation of the axis 700. Thus, "axes" were shown in Figure 7.

Examiner also objected to the use of the term "tradeable," stating that "tradeable" was misspelled. Applicant notes that, according to the Merriam-Webster dictionary, "tradeable" as well as "tradable" are both acceptable spelling forms.

Based on the preceding discussion, Applicant respectfully requests removal of the specification objections.

### **CLAIM OBJECTIONS**

The Applicant respectfully traverses all of the Examiner's remarks with respect to the claim objections based on the following remarks.

Examiner objected to claims 10, 12-17, 20, 22, 23, 32-35 as reciting the term "tradeable" that Examiner considered misspelled. As noted above, Applicant respectfully submits that "tradeable" as well as "tradable" are correct spellings.

Applicant amended Claim 10 so that it now depends on claim 1 rather than itself.

Thus, Applicant respectfully requests the objections to be withdrawn.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §112**

Examiner rejected claims 6, 24, and 29 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant traverses all of the Examiner's remarks with respect to the claim rejections under 35 U.S.C. §112 based on the following.

Examiner rejected claim 6 including the term "recent time period" as indefinite. Applicant amended claim 6, which now reads "wherein the first axis region displays a portion of the data series corresponding to a more recent time period than a time period corresponding to the second axis region.

Claim 24 was rejected as lacking antecedent basis with respect to "second axis." Applicant notes that claim 24 introduces the term "a second axis" by stating "wherein the interface comprises a second axis displayed in relation to the time axis" which is subsequently used in the phrase "wherein the second axis is divided into (...)." Thus, Applicant believes that no amendment is required, and the antecedent basis was established for "the second axis."

Claim 29 has been amended to now include "the time data series," which corrects a simple typographical error.

Thus, Applicant respectfully requests the rejection of claims 6, 24, and 29 to be withdrawn.

### **REJECTION UNDER 35 U.S.C. § 102(b)**

Examiner rejected Claims 1-3, 5, 7-9, 25, 26, and 28-31 under 35 U.S.C. § 102(b) as being anticipated by Gould reference, U.S. Patent No. 6,219,052, hereinafter "Gould."

In view of the entered claim amendments, Applicant believes that this rejection is moot. Because Gould fails to show each and every element recited in Claims 1-3, 5, 7-9, 25, 26, and 28-31, Applicant traverses the rejections and respectfully requests removal of the rejection based on the following.

Applicant's independent Claim 1 calls for a graphical interface for displaying a data series comprising "at least one axis divided into a plurality of axis regions comprising at least a first axis region and a second axis region, wherein each of the first axis region and the second axis region uses a different linear scale (...)," and "a chart displayed in relation to the plurality of axis regions, wherein the chart displays the data series, wherein the data series is plotted in each axis region based on a different linear scale (...), and wherein upon receiving a new data in the data series, displaying the new data in the first axis region having a first linear scale and shifting data previously displayed in the first axis region to the second axis region for display along a second linear scale." Independent Claim 25 recites a method that includes similar limitations as Claim 1.

Applicant notes that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131. During the interview, Examiner agreed with Applicant that Gould fails to disclose at least "upon receiving a new data in the data series, displaying the new data in the first axis region having a first linear scale and shifting data previously displayed in the first axis region to the second axis region for display along a second linear scale." Instead, Gould only allows a user to zoom into certain portions of the displayed information, such as sound or video data. (See, e.g., Gould, Abstract).

For at least these reasons, Applicant respectfully submits that Gould does not expressly or inherently describe each element of Applicant's independent claims 1 and 25. Thus, claims 1 and 25 are not anticipated by Gould. Also, the remaining claims ultimately depend from either claim 1 or claim 25, and therefore incorporate all limitations of the respective independent claims. Thus, Applicant submits that claims 1-3, 5, 7-9, 25, 26, and 28-31 are not anticipated by Gould, and the rejection should be removed.

### **FIRST REJECTION UNDER 35 U.S.C. § 103(a)**

Examiner rejected claims 6, 10-17, 19-23, and 32-35, of which claim 17 is independent, under 35 U.S.C. 103(a) as being unpatentable over Gould in view of Duquette reference, U.S. Patent Application No. 2005/0228735, hereinafter “Duquette.” In view of the amendments, Applicant believes that this rejection is moot as well. Thus, Applicant traverses these rejections and respectfully request removal of the rejections.

Applicant respectfully reminds Examiner that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143.03. The arguments from the previous section related to the patentability of independent claims 1 and 25 are incorporated herein by reference. Independent claim 17 includes similar limitations, with a specific application of the claimed graphical interface to a time data series related to a tradeable object being traded at an electronic exchange. Based on the arguments above, Gould does not teach or suggest at least “upon receiving a new data in the data series, displaying the new data in the first axis region having a first linear scale and shifting data previously displayed in the first axis region to the second axis region for display along a second linear scale.” While Duquette is directed to displaying information indicating if a transaction originated as a buy or sell order and simultaneously indicates traded quantity, Duquette does not overcome the deficiencies of Gould. (See, e.g., Duquette, Abstract)

Applicant notes that the “mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 972 F.2d 1260, 1266. Applicant submits that Gould does not suggest desirability of modification with respect to the limitations in the rejected claims. Nowhere does Gould suggest “receiving a new data,” and “displaying the new data in the first axis region (...), and “shifting data previously displayed in the first axis region to the second axis region (...).” Rather, Gould only enables a user to navigate or visualize large information spaces, and allows the user to zoom into selected segments of the displayed information. (See, e.g., Gould, Summary section).

Because claims 6, 10-17 depend from independent claim 1, claims 19-23 depend from independent claim 17, and claims 32-35 depend from independent claim 25, all of which include the limitations stated above, neither Gould alone, nor Gould in combination with Duquette renders the Applicant's claimed invention obvious. Thus, Applicant submits that claims 6, 10-17, 19-23, and 32-35 are not anticipated by Gould or Duquette, taken alone or in combination.

**SECOND AND THIRD REJECTION UNDER 35 U.S.C. § 103(a)**

Examiner rejected claims 4, 18, and 27 under 35 U.S.C. 103(a) as being unpatentable over Gould in view of Duquette, and further in view of Tufte document. Also, Examiner rejected claim 24 under 35 U.S.C. 103(a) as being unpatentable over Gould in view of Duquette, and further in view of Rao reference, U.S. Patent No. 6,085,202, hereinafter "Rao."

With respect to Claim 24, Claim 24 depends from and inherently includes all limitations of claim 17. Claim 17 includes similar limitations to those in claim 1, with a specific application of the claimed graphical interface to a time data series related to a tradeable object being traded at an electronic exchange. Thus, arguments from the rejection under 35 U.S.C. § 102(b) are incorporated herein by reference.

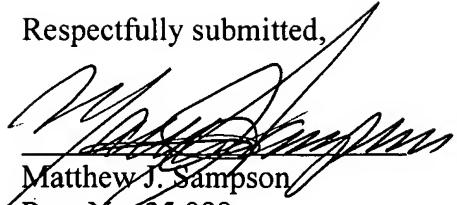
In view of the entered claim amendments, Applicant believes that these rejections are moot. Because neither Tufte nor Rao overcomes deficiencies of Gould and Duquette, Applicant respectfully traverses this rejections and requests Examiner to remove it.

**CONCLUSION**

It is respectfully submitted that Applicant has addressed Examiner's rejections. It is therefore respectfully submitted that claims 1-35 are in condition of allowance, and Applicant respectfully requests favorable reconsideration. If Examiner believes that further dialog would expedite consideration of the application, Examiner is invited to contact Monika Dudek at (312) 476-1118 or the undersigned attorney/agent.

Respectfully submitted,

By:

  
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